

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

~~~~~  
MICHAEL CUNNINGHAM,

Plaintiff,

vs

1:05-CV-1127

NEW YORK STATE DEPARTMENT OF LABOR;  
LINDA ANGELLO, MARY HINES, and PATRICIA  
RHODES-HOOVER, Each Individually, and in  
their Official Capacity for the New York State  
Department of Labor,

Defendants.  
~~~~~

APPEARANCES:

OF COUNSEL:

DONOHUE, SABO, VARLEY & HUTTNER, LLP
Attorneys for Plaintiff
24 Aviation Road
PO Box 15056
Albany, NY 12212-5056

KENNETH G. VARLEY, ESQ.

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

JAMES J. SEAMAN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

The Mandate from the United States Court of Appeals for the Second Circuit was
filed in the Northern District of New York on July 14, 2009. (Docket No. 53).

In accordance with the summary order, it is

ORDERED that

1. The judgment filed on January 29, 2008 (Docket No. 45) is VACATED as to the Title VII retaliation claims;

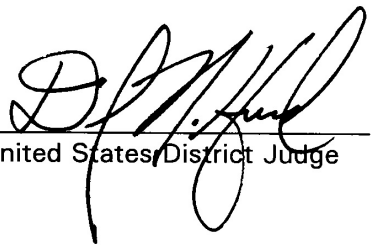
2. The parties are directed to file and serve further memorandums of law on the Title VII retaliation claims (see footnote 3) on or before July 31, 2009; and

3. Answering memorandums of law may be filed and served on or before August 14, 2009

There will be no further oral argument.

IT IS SO ORDERED.

Dated: July 15, 2009
Utica, New York.


United States District Judge